



U.S. Department of
Transportation

DOCUMENTARY SERVICE DIVISION
Washington, D.C. 20590

96-22

Office of the Secretary
of Transportation

Weekly Summary of Orders and
Regulations

MAY 20 - MAY 24, 1996

Order	Docket	Summary	Date Action Taken
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(#) Published in the Federal Register.

96-5-9	OST-95-259 49365 49458 OST-95-113 50097 50348 50349 50383 OST-95-297 50358 50359 49704 OST-95-634 50330 50384 OST-95-415 50354	APPLICATIONS OF ALASKA AIRLINES, INC., AMERICAN AIRLINES, INC., DELTA AIR LINES, INC., DHL AIRWAYS, INC., HORIZON AIR INDUSTRIES, INC. D/B/A HORIZON AIR, NORTHWEST AIRLINES, INC., POLAR AIR CARGO, INC., AND UNITED AIR LINES, INC. FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 41102 OF TITLE 49 U.S.C. AS AMENDED AND THE ORDERS AND REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION: ERRATUM - The certificates of American Airlines, Inc. for Route 389 and 602 were inadvertently issued without expiration dates. The corrected certificates are attached to this order. Both expire June 12, 2001. Served 5-21-96	3-26-96
96-5-19	OST-95-602 R-1 - R-9	The Department approves and grants antitrust immunity to the IATA Agreement contained in Docket OST-95-602, as set forth in finding paragraph one this order, subject, where applicable, to conditions previously imposed and to those conditions imposed therein, relating to passenger fare construction rules. Served 5-21-96	5-15-96

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96-5-20	OST-96-1214	<p>ESSENTIAL AIR SERVICE AT ADAK, ALASKA UNDER 49 U.S.C., 41731 ET SEQ.:</p>	5-15-96
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The Department permits Reeve Aleutian Airways, Inc., to terminate its service to Adak, Alaska, before the end of its 90-day notice period, contingent upon Peninsula providing replacement service to Dutch Harbor, Alaska, consisting of four round trips each week with 16 seat Metro III aircraft.
Served 5-21-96

96-5-21	OST-95-206 OST-95-782 Undoc'd	<p>U.S.-TORONTO SERVICE PROCEEDING -</p>	5-15-96
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U.S.-TORONTO SECOND YEAR SERVICE PROCEEDING - PITTSBURGH-TORONTO AIR SERVICES:
Effective June 1, 1996, the Department deletes the certificate of USAir for Route 679 which authorizes it to serve between Pittsburgh and Toronto under Route 679 of the 1995 Air Transport Agreement between the United States and Canada;
Effective June 1, 1996, the Department issues a new certificate to USAir for Pittsburgh-Toronto service to reflect its redesignation under Route A.8 of the 1996 United States-Canada Aviation Agreement.
Served 5-21-96

96-5-22	49184	<p>ESSENTIAL AIR SERVICE AT STAUNTON, VIRGINIA UNDER 49 U.S.C. 41731 ET SEQ.:</p>	5-17-96
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The Department tentatively reselects CCAir, Inc. d/b/a USAir Express, to provide subsidized essential air service at Staunton,

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Virginia, for the two-year period beginning June 1, 1996, at an annual subsidy rate of continued.....

96-5-22	49184	<p>continued.....</p> <p>ESSENTIAL AIR SERVICE AT STAUNTON, VIRGINIA UNDER 49 U.S.C. 41731 ET SEQ.: \$225,029.</p> <p>Objections and Competing Proposals due June 12, 1996.</p> <p>Served 5-23-96</p>	5-17-96
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96-5-24	OST-96-1290 OST-96-1289 EAS-668	<p>NINETY-DAY NOTICE OF FLAGSHIP AIRLINES, INC. D/B/A AMERICA EAGLE UNDER 49 U.S.C. 41734 AND 14 CFR PART 323 OF INTENT TO TERMINATE SERVICE AT MUSKEGON, MICHIGAN;</p> <p>APPLICATION OF FLAGSHIP AIRLINES, INC. D/B/A AMERICAN EAGLE UNDER 49 U.S.C. 40109 FOR AN EXEMPTION FROM THE 90-DAY NOTICE REQUIREMENT TO TERMINATE SERVICE AT MUSKEGON, MICHIGAN AND ESSENTIAL AIR SERVICE DETERMINATION FOR MUSKEGON, MICHIGAN UNDER 49 U.S.C. 41731 ET SEQ.:</p> <p>The Department takes no action to prohibit Flagship Airlines, Inc. from terminating its scheduled service at Muskegon, Michigan effective July 29, 1996;</p> <p>The Department grants the relief sought by Flagship Airlines' exemption to permit it to suspend service on less than 90-days' notice by Muskegon, Michigan, effective July 1, 1996;</p>	5-17-96
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The Department amends the essential air service determination for Muskegon, Michigan, so as to designate the cities of Chicago, Detroit, or Milwaukee as alternate hubs.

Served 5-23-96

96-5-25	OST-95-681	APPLICATION OF AIR MICRONESIA, INC. FOR EXEMPTION PURSUANT TO 49 U.S.C. SECTION 40109 (ALL-CARGO SERVICE OVER GUAM-PHILIPPINES-TAIWAN-KOREA-INDONESIA-MALAYSIA ROUTE:	5-17-96
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APPLICATION OF AIR MICRONESIA, INC. FOR EXEMPTION PURSUANT TO 49 U.S.C. SECTION 40109 (ALL-CARGO SERVICE OVER GUAM-PHILIPPINES-TAIWAN-KOREA-INDONESIA-MALAYSIA ROUTE:

The Department grants the petition for review filed by Federal Express and, on review, affirms the action of the Director of the Office of International Aviation granting Air Micronesia an exemption to provide scheduled service of property and mail between Guam and Manila, the Philippines, and beyond Manila to Taipei, Taiwan; Seoul, Korea; Kuala Lumpur, Malaysia; and Jakarta, Indonesia;

Denies Federal Express' motion for stay of the approval pending a decision on its petition for review.

Served 5-23-96

96-5-26	OST-95-618	JOINT APPLICATION OF DELTA AIR LINES, INC., SWISSAIR, SWISS AIR TRANSPORT COMPANY, LTD., SABENA S.A., SABENA BELGIAN WORLD AIRLINES, AND AUSTRIAN AIRLINES, OSTERREICHISCHE LUFTVERKEHRS AG FOR APPROVAL OF AND ANTITRUST IMMUNITY FOR ALLIANCE AGREEMENTS PURSUANT TO 49 U.S.C. SECTIONS 41308 AND 41309:	5-20-96
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JOINT APPLICATION OF DELTA AIR LINES, INC., SWISSAIR, SWISS AIR TRANSPORT COMPANY, LTD., SABENA S.A., SABENA BELGIAN WORLD AIRLINES, AND AUSTRIAN AIRLINES, OSTERREICHISCHE LUFTVERKEHRS AG FOR APPROVAL OF AND ANTITRUST IMMUNITY FOR ALLIANCE AGREEMENTS PURSUANT TO 49 U.S.C. SECTIONS 41308 AND 41309:

The Department directs all interested

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persons to show cause why it should not issue an order making final its tentative findings and conclusions, granting approval and antitrust immunity as discussed by this order to the Alliance Agreements among Delta Air Lines, Inc., Swissair, Swiss Air Transport Company, Ltd., Sabena S.A., Sabena Belgian World Airlines and Austrian Airlines, Österreichische Luftverkehrs AG and subject to the provisions continued.....

96-5-26	OST-96-618	<p>continued.....</p> <p>that the antitrust immunity will not cover any activities of Delta , Swissair, and Austrian as owners of Worldspan and Galileo computer reservations systems businesses, and subject to the proposed limits and conditions indicated in Appendix A, and in ordering paragraph 3, to the extent that it applies to the Atlanta-Brussels, Atlanta-Zurich, and Cincinnati-Zurich markets, and subject to condition that the Joint Applicants shall not operate or hold out service under a common name or brand without obtaining prior approval from the Department.</p> <p>Objections due by 10:00 a.m., May 28, 1996.</p> <p>Answers to Objections due 10:00 a.m., May 31, 1996.</p> <p>Served 5-21-96</p>	5-20-96
96-5-27	OST-96-1116	<p>JOINT APPLICATION OF UNITED AIR LINES, INC. AND DEUTSCHE LUFTHANSA, A.G. D/B/A LUFTHANSA GERMAN AIRLINES FOR APPROVAL OF AND ANTITRUST IMMUNITY FOR AN ALLIANCE EXPANSION AGREEMENT PURSUANT TO 49 U.S.C. SECTIONS 41308 AND 41309:</p>	5-20-96

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The Department grant final approval and antitrust immunity for an Alliance Expansion Agreement (“the Expansion Agreement”), between United Air Lines, Inc. (“United”), and Deutsche Lufthansa, AG. d/b/a Lufthansa German Airlines (“Lufthansa”) pursuant to 49 U.S.C. Sections 41308 and 41309, subject to the provisions that the antitrust immunity will not cover any activities of United and Lufthansa as owners of Apollo/Galileo and continued.....

96-5-27	OST-96-1116	<p>continued.....</p> <p>Amadeus/START, and subject to the limits and conditions indicated in Appendix A. Directs United and Lufthansa to resubmit the Expansion Agreement five years from the date of the issuance of this Order. If United and Lufthansa choose to operate under a common name or brand, they must obtain separate approval from the Department before implementing the arrangement.</p> <p>Served 5-21-96</p>	5-20-96
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96-5-28	Undoc'd	<p>MESA AIR GROUP - VIOLATIONS OF 49 U.S.C. 41708 AND 14 CFR PART 241: CONSENT ORDER - This consent order concerns reporting delinquencies that constitute violations of 49 U.S.C. 41708 and the accounting and reporting requirements specified in Part 241 of the Department's regulations (14 CFR Part 241) by Mesa Air Group (Mesa), a certificated air carrier; Directs Mesa to cease and desist from future</p>	5-21-96
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violations and to pay compromise civil penalties; Mesa Air Group is assessed \$25,000 in compromise of civil penalties. Served 5-21-96

96-5-29	OST-95-934 OST-95-933	<p>ESSENTIAL AIR SERVICE AT KINGMAN, ARIZONA, SILVER CITY, NEW MEXICO, GOODLAND, KANSAS, LAMAR, COLORADO, MERCED AND VISALIA, CALIFORNIA UNDER 49 U.S.C. 41731 ET SEQ.: The Department requires Mesa Air Group, Inc., to maintain essential air service at Kingman, Arizona, Silver City, New Mexico, Goodland, Kansas, Lamar, Colorado, and Merced and Visalia, California, as set forth in continued..... ...</p>	5-21-96
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96-5-29	OST-95-934 OST-95-933	<p>continued..... Appendix C of Order 95-12-40, for an additional 30-day period through July 8, 1996, or until a carrier capable of providing reliable replacement service actually begins service, whichever is first. Served 5-28-96</p>	5-21-96
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96-5-30	OST-95-371	<p>ESSENTIAL AIR SERVICE AT TUSCALOOSA, ALABAMA UNDER 49 U.S.C. 41731 ET SEQ.: The Department requires Flagship Airlines, Inc., d/b/a American Eagle, to maintain essential air service at Tuscaloosa, Alabama, as set forth in Appendix C of Order 95-7-50 and amended by Order 95-11-28, for an additional 30-day period through July 3, 1996, or until a carrier capable of providing reliable replacement service actually begins service, whichever is first. Served 5-28-96</p>	5-22-96
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96-5-31 OST-95-889 ESSENTIAL AIR SERVICE AT 5-22-96

ANNISTON, ALABAMA UNDER 49 U.S.C. 41731 ET SEQ.:
The Department finalizes its tentative findings and conclusions as set forth in Order 96-5-2, May 1, 1996;
Grants the motion for leave to file a late document filed by the Anniston Metropolitan Airport Board of Commissioners in Docket OST-95-889;
Requires Gulfstream International Airlines, Inc., to maintain essential air service at Anniston, Alabama, as set forth in Appendix C of Order 96-1-7, through May 31, 1996.
Served 5-29-96

Intervening number has not been released.

96-5-33 OST-96-1241 APPLICATION OF AIR SOUTH 5-22-96

AIRLINES, INC. FOR AN EXEMPTION FROM 14 CFR PART 93, SUBPARTS K AND S, PURSUANT TO 49 U.S.C. SECTION 41714(C):
The Department grants an exemption from Subparts K and S of Part 93 of Title 14, Code of Federal regulations to Air South Airlines, Inc., to the extent that Air South will be granted temporary operating authority to operate arriving flights into John F. Kennedy International Airport in the following pattern: one flight between 6:30 P.M. and 6:59 P.M., one flight between 7:00 P.M. and 7:29 P.M., and to operate departing flights from John F. Kennedy International Airport in the following pattern: one flight between 3:00 P.M. and 3:29 P.M., one flight between 3:30 P.M., and 3:59 P.M. and two flights between 7:30 P.M. and 7:59 P.M..

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Served 5-22-96

96-5-34	Undoc'd	<p>CARIBAIR - VIOLATIONS OF 49 U.S.C. 41708 AND 14 CFR PART 298:</p> <p>This consent order concerns reporting delinquencies that constitute violations of 49 U.S.C. 41708 and the accounting and reporting requirements specified in Part 298 of the Department's regulations (14 CFR Part 298) by CaribAir, a commuter air carrier. This order directs CaribAir to cease and desist from future violations and to pay compromise civil penalties.</p> <p>Served 5-23-96</p>	5-22-96
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96-5-35	Undoc'd FAA DOCKET 13-96-15	<p>EXPRESS ONE INTERNATIONAL, INC. - VIOLATIONS OF 49 U.S.C. SECTIONS 40117 AND 41712 AND 12 CFR PART 158</p> <p>JOINT CONSENT ORDER - This consent order concerns collections by Express One International, Inc. (Express One), a continued.....</p>	5-24-96
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96-5-35	Undoc'd FAA DOCKET 13-96-15	<p>continued.....</p> <p>certificated air carrier, of money from ostensibly for passenger facility charges (PFCs), and the failure by it to remit the money on a timely basis and provide quarterly PFC reports to airports. Such failures constitute violations of Part 158 of the Federal Aviation Regulations, 14 CFR Part 158, issued pursuant to 49 U.S.C. Section 40117, and 49 U.S.C. Section 41712, the statutory provision prohibiting unfair and deceptive practices and unfair methods of competition. This order directs Express One to cease and desist from future violations of the PFC remittance requirements and 49 U.S.C. Section 41712.</p>	5-24-96
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Served 5-24-96

ORDERS NOT RELEASED AS OF MAY
23, 1996:
96-5-32